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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,657	06/28/2000	Mandeep Singh	PM 271437 P-0150.030-US	6299

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EXAMINER

NGUYEN, HUNG

ART UNIT PAPER NUMBER

2851

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,657

Applicant(s)

SINGH ET AL.

Examiner

Henry Hung V Nguyen

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "M1 and M2" (see fig. 1). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 17-18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or can not depend on any another multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 17-18 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-19, the recitation of the terms "relatively, less easily, harder, more, " (for instance, "relatively inert material", "relatively low", "more inert" etc...) render the claims indefinite. That is, when a term of degree is used as a limitation, it is necessary to determine

Art Unit: 2851

whether the specification provides some standard for measuring that degree. In this case, the specification does not enable one skilled in the art to reasonably establish what may be construed as being within the metes and bounds of the term of degree. Therefore, one of ordinary skill in the art would not be apprised as to the claimed invention's scope when the claims are read in light of the specification.

Claim 16 recites "a device manufactured in accordance with a method of claim 15" but, since the claim does not set forth any structures of the claimed device, it is unclear what "device" the applicant is intending to encompass. It can not be determined the metes and bounds of the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable Mori et al (U.S.Pat. 6,268,904) in view of Montclam et al (U.S.Pat. 5,958,605).

With regard to claims 1-19, Mori et al discloses a projection optical system comprising substantially all basic features of the instant claims such as: an illumination optical systems (10-30) for supplying a projection beam of radiation; a reticle stage for holding a reticle (20); a wafer stage (23) for holding a wafer (22); a projection optical system (21) for projecting a predetermined pattern formed on the mask onto the wafer (see fig.1). Mori does not expressly

Art Unit: 2851

disclose at least one of the optical elements in the illumination optical system or in the projection optical system such as a sensor or a lens or a reflector having a surface which is coated by a "relatively inert material" capping layer such as diamond like carbon, boron nitride, boron carbide, silicon nitride, silicon carbide, B, Pd, Ru, Rh, Au, MaF_2 , LiF, C_2F_4 , TiN, compounds and alloys. Montcalm et al discloses an extreme ultraviolet projection lithography apparatus having optical elements with a "relatively inert material" reflective capping layers deposited for the purpose of preventing oxidation and corrosion thereby improving the EUV optical performance" (see col.1, lines 20 thru col.2, line 24). Montcalm et al further teaches the thickness of the layer is in the range of 0.5 to 5nm and the wavelength range of the projection beam is from 11.2 to 12nm (see col.2, lines 25-36). In view of such teachings, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Mori et al and Montcalm to obtain the invention as specified in claims 1-19. It would have been obvious to a skilled artisan to provide optical elements with protective capping layer of boron carbide, boron nitride, silicon nitride...etc... as taught by Montcalm into the exposure apparatus of Mori for the purpose of preventing "oxidation and corrosion thereby improving the EUV optical performance" as suggested.

In addition, with respect to claims 8, 14, 17-19, it has been held that where general condition of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Also, as to claims 9, 13, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Art Unit: 2851

Prior Art Made of Record

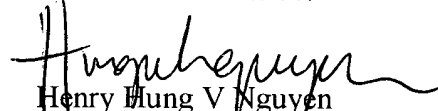
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishi (U.S.Pat. 6,100,515) discloses an projection exposure apparatus, Early et al (U.S.Pat. 5,265,143) and Gutman (U.S.Pat. 5,646,976) discloses optical element having projective coating layer and have been recited for technical background.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Hung V Nguyen whose telephone number is 703-305-6462. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.


Henry Hung V Nguyen
Examiner
Art Unit 2851

hvn
February 22, 2002